UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,436	10/13/2000	Alan H. Karp	10992795	8480

7590 11/20/2003	EXAMINER
HEWLETT-PACKARD COMPANY	VO, LILIAN

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ART UNIT	PAPER NUMBER
2127	

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/687,436	KARP ET AL.
	Examiner	Art Unit	
	Lilian Vo	2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _13 October 2000_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-17_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-17_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _13 October 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4)☐ Interview Summary (PTO-413) Paper No(s). _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

1.   Claims 1 – 17 are pending.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 3 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Claims 3 and 16 recite of denying the subsequent request if the grand total allocation of

the resource is <u>above a low watermark</u>, page 14, lines 9 – 11, and page 16, lines 25 – 27,

respectively. The examiner believes there is a typographical error and will assume it's referring

to the denying of the subsequent request if the grand total allocation of the resource is <u>above a</u>

<u>high watermark</u>.

Furthermore, **claim 16** recites "…grants the subsequent request the grand total", page 16,

line 28. The Office believes there is a typographical error. For the purpose of the examination,

the Examiner will assume it reads as grant the subsequent request <u>if</u> the grand total allocation is

below the low watermark.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Harris et al. (US 6,438,704, hereafter referred to Harris).

Regarding **claim 1**, Harris discloses a method for flexible allocation of a resource, comprising the steps of:

obtaining a request for allocation of a portion of the resource (abstract, fig 1, col. 4, line 6 – col. 5, line 32);

granting the request if the request if allowed would not exceed a soft limit associated with a potential user associated with the request, wherein the soft limit guarantees access to the resource by the potential user (col. 4, line 6 – col. 5, line 32, col. 8, lines 35 - 65);

denying the request if the request if allowed would exceed a hard limit associated with the potential user, wherein the hard limit enables the potential user to exceed the soft limit on a firstcome-first-served basis (col. 4, line 6 – col. 5, line 32, col. 8, lines 35 - 65);

denying the request if the request if allowed would cause a grand total allocation of the resource to exceed a high watermark assigned to the resource and granting the request otherwise (col. 4, line 6 – col. 5, line 32, col. 8, lines 35 - 65).

Regarding **claim 2**, Harris discloses the method of claim 1, wherein the step of denying

the request if the request if allowed would cause a grand total allocation of the resource to

exceed a high watermark further comprises the step of entering a reduction mode for handling a

subsequent request for allocation of the resource (col. 12, line 38 – col. 13, line 22, fig. 4).

Regarding **claim 3**, Harris discloses the method of claim 2, wherein the reduction mode

comprises the step of:

granting the subsequent request if the subsequent request if allowed would not exceed a

soft limit associated with a potential user associated with the subsequent request (col. 4, line 6 –

col. 5, line 32, col. 8, lines 35 – 65, col. 12, line 38 – col. 13, line 22, fig. 4);

denying the subsequent request if the subsequent request if allowed would exceed a hard

limit associated with the potential user associated with the subsequent request (col. 4, line 6 –

col. 5, line 32, col. 8, lines 35 – 65, col. 12, line 38 – col. 13, line 22, fig. 4);

denying the subsequent request if the grand total allocation of the resource is above a

high watermark associated with the resource and granting the subsequent request otherwise (col.

4, line 6 – col. 5, line 32, col. 8, lines 35 – 65, col. 12, line 38 – col. 13, line 22, fig. 4).

Regarding **claim 4**, Harris discloses the method of claim 3, further comprising the step of

assigning the low watermark to the resource (col. 4, line 31 – col. 5, line 45 and col. 14, line 52 –

col. 15, line 32).

Regarding **claim 5**, Harris discloses the method of claim 1, further comprising the step of

assigning the soft limit to the potential user (col. 8, lines 35 – 65).

Regarding **claim 6**, Harris discloses the method of claim 5, wherein the step of assigning

the soft limit comprises the step of assigning the soft limit in response to a class associated with

the potential user (col. 4, line 45 – col. 5, line 32, col. 6, line 18 – 43, fig. 1, 2, 3a, 3c).

Regarding **claim 7**, Harris discloses the method of claim 1, further comprising the step of

assigning the hard limit to the potential user (col. 8, lines 35 – 65).

Regarding **claim 8**, Harris discloses the method of claim 7, wherein the step of assigning

the hard limit comprises the step of assigning the hard limit in response to a class associated with

the potential user (col. 4, line 45 – col. 5, line 32, col. 6, line 18 – 43, fig. 1, 2, 3a, 3c).

Regarding **claim 9**, Harris discloses the method of claim 1, further comprising the step of

assigning the high watermark to the resource (col. 4, line 31 – col. 5, line 45 and col. 14, line 52

– col. 15, line 32).

Regarding **claim 10**, Harris discloses the method of claim 1, further comprising the step

of allocating a portion of the resource for system use (col. 2, lines 39 – 67, fig. 1 and 2, col. 4,

line 45 – col. 5, line 32).

Regarding **claim 11**, Harris discloses a computer system, comprising:

resource (fig. 1);

a set of resource allocation parameters for the resource including a high watermark for

the resource and a hard limit and a soft limit associated with a potential user of the resource (col.

4, line 32 – col. 5, line 32, col. 8, lines 35 - 65 and figs 1 and 2);

task that generates a request for allocation of a portion of the resource (col. 4, line 45 –

col. 5, line 32 and figs 1 and 2);

resource manager that in a normal mode grants the request if the request if allowed would not exceed the soft limit and denies the request if the request if allowed would exceed the hard limit and denies the request if the request if allowed would cause a grand total allocation of the resource to exceed the high watermark and grants the request otherwise (col. 4, line 32 – col. 5, line 32, col. 8, lines 35 - 65 and figs 1 and 2).

Regarding **claim 12**, Harris discloses the computer system of claim 11, wherein the resource manager switches to a reduction mode if the request if allowed would cause the grand total allocation to exceed the high watermark such that the resource manager grants all subsequent requests that reduce a consumption of the resource while in the reduction mode (col. 12, line 38 – col. 13, line 22, fig. 4).

Claim 13 is rejected on the same ground as stated in claim 5 above.

Regarding **claim 14**, Harris discloses the computer system of claim 11, wherein the hard limit is assigned to the potential user to enable the potential user to exceed the soft limit on a first-come-first-served basis (col. 8, lines 35 – 65).

Claim 15 is rejected on the same ground as stated in claim 2 above.

Claim 16 is rejected on the same ground as stated in claim 3 above.

Regarding **claim 17**, Harris discloses the computer system of claim 16, wherein the resource manager switches to the normal mode if the grand total allocation is below the low watermark (col. 12, line 38 – col. 13, line 22, fig. 4).

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. US Pat. 6,430,592 and US Patent Application Publication 2003/0045237 A1.
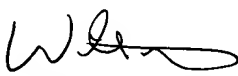
7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Lilian Vo whose telephone number is 703-305-7864. The

examiner can normally be reached on Monday - Thursday, 7:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Grant can be reached on 703-308-1108. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

                                                        Lilian Vo
                                                        Examiner
                                                        Art Unit 2127

lv
November 14, 2003

WILLIAM GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100
11/14/03